

**ORDINANCE NO: \_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), BY ADDING  
A NEW CHAPTER 2.38 (BUILDING AND STANDARDS COMMISSION), PURSUANT TO  
TEXAS LOCAL GOVERNMENT CODE SECTION 54.033 TO HEAR AND DETERMINE  
CASES CONCERNING VIOLATIONS OF CHAPTER 18.50 WITHOUT FURTHER APPEAL TO  
CITY COUNCIL.  
THE PENALTY BEING AS PROVIDED IN SECTION 2.38.110 OF THE CODE.**

**WHEREAS**, the City Council created the Building and Zoning Advisory Committee (BZAC) to, in part, to undertake a major revision to the Building Codes of the City, including the Building and Construction Administrative Code; and

**WHEREAS**, the Building Permits and Inspections Department has proposed amending the Municipal Code by creating a Building and Standards Commission to hear and determine cases concerning alleged violations of Chapter 18.50; and

**WHEREAS**, the Building Permits and Inspections Department has favorably recommended and the Building and Zoning Advisory Committee (BZAC) has reviewed and recommended amending the Administrative Code to create the Building and Standards Commission pursuant to Texas Local Government Code Section 54.033; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

- 1. That Title 2 (ADMINISTRATION AND PERSONNEL), shall be and hereby is amended by adding Chapter 2.38 (Building and Standards Commission) to read as follows:**

**CHAPTER 2.38**

**BUILDING AND STANDARDS COMMISSION**

**2.38.010 Purpose.**

The purpose of this Chapter is to provide for appointment of the Building and Standards Commission pursuant to Texas Local Government Code Section 54.033 to hear and determine cases concerning violations of Chapter 18.50.

**2.38.020 Appointment.**

- A.** There is established a board to be called the Building and Standards Commission, hereinafter referred to as "Commission". The Commission shall consist of eighteen (18) regular members and nine (9) alternate members. Each City Council Representative and the Mayor shall nominate two (2) regular members and one alternate member to the Commission, all of who shall be appointed by the City Council. Priority for consideration of each nominee in each category shall be based on the date and time the nomination is received by the City Clerk for posting on the City Council agenda. Vacancies shall be filled by City Council appointment in the same manner in which initial appointments are made.
- (B)** Members and alternate members must be residents of the city. Their appointment will be made for a two (2) year term. All members and alternate members shall serve until their successors are appointed and qualified.
- (C)** Alternate members must meet the same requirements and qualifications as regular commission members, except that an alternate member has voting privileges only when sitting in for an absent member.
- (D)** The Director for Building Permits and Inspections Department (hereinafter referred to as Director), the El Paso City-County Health District Director and the Fire Marshal or their designees shall serve in an advisory

capacity as ex officio members of the commission with no voting privileges.

#### **2.38.030 Membership and Terms.**

**A.** The Commission shall consist of:

- (1) Two (2) registered architects who have had at least 10 years experience in the construction of buildings and housing;
- (2) Two (2) mortgage loan bankers who have been engaged in mortgage loan banking for at least 10 years;
- (3) Two (2) home builders and/or general contractors who have at least 10 years experience in the construction of residential and/or commercial projects;
- (4) Two (2) licensed real estate brokers who have at least 10 years experience in the appraisal of real estate;
- (5) Two (2) persons who are engaged in social or welfare work and having at least 10 years experience in public or private case work;
- (6) Two (2) structural engineers who have at least 10 years experience in the construction of commercial buildings; and
- (7) Six (6) members chosen on the basis of their interest in community affairs and their impartiality, fairness, and judicial temperament. .

**B.** Alternates may be of any category allowed for regular members of the Commission. Alternate members shall sit in the absence of regular members. The first alternate to be selected to replace a regular member shall be the alternate nominated by the same Council Representative, or the Mayor, that nominated the absent regular member. If both the regular member and alternate member nominated by that Council Representative are absent, any other alternate member may be selected. When sitting in the absence of a regular member, an alternate member shall have all rights and authority of the regular member.

**C.** The terms of office for regular members and alternate members and the procedures of the Commission shall comply with the requirements of Chapter 2.04 of the El Paso Municipal Code.

**D.** A Commission member may be removed by City Council for cause on a written charge. A public hearing on said removal must be held by City Council if requested by the affected Commission member.

#### **2.38.040 Procedures of the Commission.**

**A.** The Commission may adopt rules that are consistent with this chapter and Chapter 2.04 and that are approved by the city attorney. Meetings of the Commission or a hearing panel will be held at the call of the chair, or in the chair's absence the vice-chair, or an acting chair designated by the chair, or as the Commission may determine. All meetings of the Commission or its hearing panels must be open to the public. The chair, acting chair, or vice-chair may administer oaths and compel the attendance of witnesses.

**B.** The Director or a designated representative shall act as secretary to the Commission and the hearing panels. Each hearing panel shall keep minutes of its proceedings showing the vote of each member on each question or the fact that a member is absent or fails to vote. Each hearing panel shall keep records of its examinations and other official actions. The minutes and records must be filed immediately in the office of the City Clerk.

**C.** At each hearing of a hearing panel, an owner, lessor, occupant, lienholder, mortgagee or a legal representative is entitled to present evidence and witnesses and to cross-examine any witness appearing against the owner, lessor, occupant, lienholder, or mortgagee.

- D. After a public hearing the decision of a hearing panel is final as to administrative remedies and a rehearing may not be granted except as provided by Section 2.38.100.
- E. Once the decision of a hearing panel has become final as to administrative remedies under this section or 2.38.100, any owner, lienholder, or mortgagee of record jointly or severally aggrieved by an order may file in state district court a verified petition setting forth that the panel's decision is illegal, in whole or in part, and specifying the grounds of the illegality. The petition must be filed by an owner, lienholder, or mortgagee of record within 30 calendar days after the respective dates a copy of the final decision of the hearing panel is personally delivered or mailed by first class mail, certified return receipt requested, to all persons to whom notice is required to be sent under Section 2.38.090 of this chapter, or the decision will become final as to judicial remedies upon expiration of each person's 30-calendar-day period. Appeal in the district court is limited to a hearing under the substantial evidence rule.
- F. If no appeals are taken from the decision of the hearing panel of the Commission within the required period, the decision of the Building and Standards Commission shall be final and shall not be appealed to the City Council.

#### **2.38.050 HEARING PANELS.**

- A. The chair of the Commission shall divide the Commission into two (2) hearing panels for the purpose of performing the duties of the Commission. The two (2) panels will be composed of nine members. Five members constitute a quorum. Decisions of a hearing panel are made by a concurring majority vote of the members present.
- B. The chair or the Secretary of the Commission is responsible for obtaining a quorum for each meeting of a panel. In the absence of a regular member, the chair or the Secretary of the Commission may assign an alternate member or a member from another panel to serve.
- C. For the purpose of fulfilling attendance requirements, the chair is only required to attend the regular meetings of one of the hearing panels.
- D. Each hearing panel shall select a panel chair and a vice-chair.
- E. The Director or designee shall assign cases other than rehearings to the hearing panels on a rotation basis. A rehearing must be assigned to the same hearing panel that originally heard the case, unless the chair finds that exigent, compelling, or exceptional circumstances exist that require the case to be reheard by the other panel or the applicant requests that the case be reheard by the other panel.
- F. Each hearing panel has the same authority as the full Commission.
- G. A decision by a hearing panel constitutes a decision of the Commission.
- H. A Commission member shall not discuss or vote on any case in which that member has a personal interest or in any manner that would constitute a violation of the City Ethics Ordinance, pursuant to Chapter 2.92 of the El Paso Municipal Code.
- I. A Commission member shall not participate in ex parte communication with any individual concerning any issue that is being heard by the Commission.

#### **2.38.060 Secretary of the Commission.**

The Director for Building Permits and Inspections or designee shall act as secretary of the Building and Standards Commission and shall serve without the right to vote and shall not be counted for purposes of constituting a quorum. The Secretary of the Commission shall make a record of its proceedings and procedures, and shall set forth the reasons for the decisions, the vote of each member participating therein, the absence of a member, and any failure of a member to vote. Such record of meeting minutes shall be filed with the City Clerk as required in Section 2.38.040.B.

### **2.38.070 Powers.**

**A.** A hearing panel has the following powers and duties:

- (1) To require the reduction in occupancy load of an overcrowded structure or the vacation of a structure found to be an urban nuisance.
- (2) To require the repair, by the owner or by the city, of a structure found to be an urban nuisance.
- (3) To require the demolition of a structure found to be an urban nuisance.
- (4) To require the removal of personal property from a structure ordered vacated or demolished. Removal may be accomplished by use of city forces or a private transfer company if the owner of the personal property is not known, or the whereabouts of the owner cannot be ascertained, or the owner fails to remove the personal property. A hearing panel may cause any personal property removed to be stored in the care and custody of a bonded warehouse facility. Costs of removal and storage are the responsibility of the owner of the personal property.
- (5) To require that an open and vacant structure or open and vacant portion of a structure be secured.
- (6) To require or cause the correction of an unsafe or dangerous condition on the land. Correction of an unsafe or dangerous condition may be accomplished by city forces or private contractor. Costs of correction are the responsibility of the owner.
- (7) To order any peace officer of the state, including the sheriff or constable or the chief of police of the City, to enforce and carry out the lawful orders of the Commission hearing panel.
- (8) To grant an exception when, in the opinion of a hearing panel, a literal interpretation of this chapter would result in the imposition of an unnecessary or unreasonable hardship.
- (9) To assess a civil penalty, not to exceed \$1,000 a day per violation or, if the property is the owner's lawful homestead, \$10 a day per violation, against a property owner for each day or part of a day that the owner fails to repair or demolish a structure in compliance with a Commission order issued under 2.38.090.
- (10) To recommend to City Council that a cause of action to be brought in district court in accordance with Section 214.003 of the Texas Local Government Code for the appointment of a receiver for property found to be an urban nuisance.

**B.** In addition to the powers and duties of the hearing panels, the Commission shall periodically meet as a whole for the purpose of planning and advising the city council on matters concerning substandard housing and enforcement of this chapter.

### **2.38.080 FAILURE TO COMPLY WITH COMMISSION ORDER.**

**A.** A person commits an offense if he fails to correct a violation of this chapter in compliance with a Commission order that has become final under Section 2.38.040 or 2.38.100.

**B.** It is a defense to prosecution under Subsection A that the Commission order has been appealed to the state district court.

### **2.38.090 URBAN NUISANCE; REPAIR, DEMOLITION, VACATION, REDUCTION IN OCCUPANCY LOAD, RELOCATION, SECURING, AND CIVIL PENALTIES; HEARINGS; NOTICE.**

**A.** The Director or designee, in compliance with this section, shall give notice of a hearing to consider repair, demolition, vacation, reduction of occupancy load, securing of a structure, or the relocation of the occupants of a structure, or the assessment of a civil penalty against the owner, or any combination of those actions, to the owner of the structure and any mortgagee or lienholder of record of the real property concerned. A structure may be considered for repair, demolition, vacation, and a civil penalty if the structure is not maintained in compliance with one or more of the minimum standards of Chapter 18.50, and the structure is an urban nuisance. A structure may be considered for a reduction of occupancy load if it is overcrowded under Chapter 18.50.

**B.** Notice of the hearing must include:

- (1) the date, time, and place of the hearing;
- (2) an identification, which is not required to be a legal description, of the structure and the property

- on which it is located;
  - (3) a description of the alleged violation or violations of minimum standards that are present on the property; and
  - (4) a statement that the owner, lienholder, or mortgagee must submit at the hearing proof of the scope of any work that may be required to comply with this chapter and the time it will take to reasonably perform the work.
- C. On or before the 10th day before the hearing date, notice of the hearing must be:
  - (1) personally delivered or mailed, by certified mail, return receipt requested, to the record owners of the affected property, and each holder of a recorded lien against the property, as shown by the records in the office of the county clerk of the county in which the property is located if the address of the lienholder can be ascertained from the deed of trust establishing the lien or any other applicable instruments on file in the office of the county clerk;
  - (2) posted, to all unknown owners, on the front door of each improvement situated on the affected property or as close to the front door as practicable; and
  - (3) published on one occasion in a newspaper of general circulation in the city.
- D. The Commission may file in the official public records of real property in the county in which the affected property is located a notice of the hearing that contains the following information:
  - (1) the name and address of the property owner, if that information can be determined;
  - (2) a legal description of the property; and
  - (3) a description of the hearing.

A notice filed in compliance with this subsection binds any subsequent grantee, lienholder, or other transferee of an interest in the property who acquires the interest after the filing of the notice and constitutes notice of the hearing to any subsequent recipient of any interest in the property who acquires the interest after the filing of the notice.
- E. A public hearing to consider repair, demolition, vacation, reduction of occupancy load, securing of a structure, or the assessment of a civil penalty against the owner, or the relocation of the occupants of the structure, or any combination of those actions, must be before a hearing panel of the Commission after notice of the hearing has been given to the owner, lienholder, and mortgagee in compliance with this section. If the record shows that the notice was received by a person designated in this subsection less than five days before the hearing, the person shall, upon request at the hearing, receive a resetting of the hearing. Written notice of the rescheduled hearing may be given personally to persons in attendance at that time. Notice of the rescheduled hearing to any person not in attendance must be given in the same manner required for an initial hearing under 2.38.090. At the hearing:
  - (1) The Director or designee shall present evidence of the condition of a structure and other relevant issues;
  - (2) An owner, lienholder, or mortgagee shall present evidence of the scope of work and time required to comply with this chapter and may present evidence and witnesses on other relevant issues and cross-examine witnesses; and
  - (3) A lessor, an occupant, or any other interested person may present evidence and witnesses on relevant issues and cross-examine witnesses.
- F. At any hearing to determine whether a structure complies with the minimum standards set out in this chapter, the Director or designee has the burden of proof to demonstrate the existence of each alleged violation of those standards described in the notice of the hearing. The owner, lienholder, or mortgagee has the burden of proof to demonstrate the scope of any work that may be required to comply with this chapter and the time it will take to reasonably perform the work. A hearing panel shall make its decision based on a preponderance of the evidence presented at the hearing.
- G. A hearing panel, after hearing evidence from each interested person present, may do one or more of the following:
  - (1) find that the structure is not an urban nuisance and refer the matter to the Director for appropriate action, if any;

- (2) grant an exception to any provision of this chapter to avoid the imposition of an unreasonable hardship, if no person's health, safety, or welfare will be affected;
- (3) find that the structure is an urban nuisance, specifically describing each minimum standard found to be violated, and order one or more of the following:
  - (a) Demolition of the structure by the owner, lienholder, or mortgagee within 30 days, unless an extension is granted under Subsection (H);
  - (b) Demolition of the structure by the city if demolition by the owner, lienholder, or mortgagee is not timely effected in compliance with a Commission order issued under this subsection, provided that this order may not be issued as a default action except in conjunction with a demolition order issued under Paragraph 3(A) of this subsection;
  - (c) Repair of the structure by the owner, lienholder, or mortgagee as needed to correct every violation of minimum standards found by the Commission to exist at the structure, the repair to be accomplished within 30 days, unless an extension is granted under Subsection H;
  - (d) Repair of the structure by the city as needed to correct every violation of minimum standards found by the Commission to exist at the structure, if repair by the owner, lienholder, or mortgagee is not timely effected in compliance with a Commission order issued under this subsection;
  - (e) Vacation of the structure by the owner, lienholder, or mortgagee, within a specified period of time;
  - (f) Vacation of the structure by the city if vacation by the owner, lienholder, or mortgagee is not timely effected in compliance with a Commission order issued under this subsection;
  - (g) The assessment of a civil penalty against the owner for each day or part of a day that the owner fails to repair or demolish the structure in compliance with a Commission order issued under this subsection; or
  - (h) To recommend to City Council that a cause of action to be brought in district court in accordance with Section 214.003 of the Texas Local Government Code for the appointment of a receiver of the property;
- (4) Find that the structure is overcrowded under Chapter 18.50 and order a reduction of occupancy load;
- (5) Find that the structure is open and vacant and order one or more of the following: (a) Securing of the structure by the owner, lienholder, or mortgagee from entry by unauthorized persons within 30 days; or (b) Securing of the structure by the City if the securing by the owner, lienholder, or mortgagee is not timely effected in compliance with a Commission order.  
(A)
- (6) If delinquent taxes are owed on the property, the Commission may defer any final action on the property pending settlement of the delinquent taxes if such deferral would not further endanger public health, safety and welfare. The owner(s) and/or lienholder(s) must agree to secure the premises and maintain it secure. The Commission will specify the conditions that would require the property to be referred back to the Commission by the Director or designee.

**H. Time extensions for complying with an order to repair or demolish a structure.**

- (1) The hearing panel may allow more than 30 days to comply with an order to repair or demolish a structure under Subsection G(3), if the owner, lienholder, or mortgagee establishes at the hearing that the work cannot reasonably be performed within 30 days. The panel shall establish a specific time schedule for the commencement and performance of the work and require the owner, lienholder, or mortgagee to secure the property from unauthorized entry while the work is being performed.
- (2) The hearing panel may not allow more than 90 days to comply with an order issued under Subsection G(3) unless the owner, lienholder, or mortgagee:

(a) Submits at the hearing a detailed plan, which may include plot plan(s), floor plan(s), sections and architect and/or engineer recommendations, as determined by the Commission and time schedule for the work; and

(b) Establishes at the hearing that the work cannot reasonably be completed within 90 days because of the scope and complexity of the work.

- (3) If a hearing panel allows more than 90 days to complete any part of the work required to repair or demolish the structure under Subsection G (3), it shall require the owner, lienholder, or mortgagee to regularly submit progress reports to the panel demonstrating compliance with the time schedules established for commencement and performance of the work. The order may require that the owner, lienholder, or mortgagee appear before the hearing panel or the Director or designee to demonstrate compliance with the time schedules.
- (4) If the owner, lienholder, or mortgagee owns property, including structures and improvements on property, within the city boundaries that exceeds \$100,000 in total value, the hearing panel may require the owner, lienholder, or mortgagee to post a cash or surety bond in an amount adequate to cover the cost of repairing or demolishing a structure under Subsection H(3). In lieu of a bond, the hearing panel may require the owner, lienholder, or mortgagee to provide a letter of credit from a financial institution or a guaranty from a third party approved by the city. The bond must be posted, or the letter of credit or third party guaranty provided, not later than the 30th day after the date the panel issues the order. The Commission shall establish rules and procedures, to be approved by the city attorney, governing when a bond, letter of credit, or third party guaranty will be required under this paragraph.

**I.** The Commission order issued pursuant to Subsection G shall include the following:

- (1) A statement as to whether the structure or part thereof can be made safe;
- (2) An order providing for the vacation, relocation of occupants, securing, repair, removal, or demolition of the structure or part thereof;
- (3) A period of time, not less than twenty days during which the record owners shall comply with the orders of the Commission;
- (4) An additional period of time during which the mortgagees or lienholders may comply with the orders of the Commission;
- (5) A statement that failure of the record owners, mortgagees or lienholders to comply may result in the vacation, relocation of occupants, securing, repair, removal, or demolition of the structure or part thereof by the city at its own expense but for and on account of the owner of such real property, the cost of which account shall become a claim to be secured by a lien against the real estate, due and payable within thirty days of the date of completion of the work;
- (6) A statement setting forth the penalties for disregarding Commission's order in accordance with this Chapter;
- (7) A statement that the owner, mortgagee or lienholder shall have a right to appeal within thirty calendar days after notice to a court of competent jurisdiction and that failure to do so within thirty calendar days after receipt of notice shall result in the findings becoming final; and
- (8) A statement that any civil penalty or assessment imposed will accrue interest at a rate of ten percent a year from the date of the assessment until paid in full.

**J.** After the Commission issues an order under Subsection G the Director or designee shall promptly personally deliver or mail by certified mail, return receipt requested, a copy of the order to each owner, lienholder, and mortgagee of the structure and shall file each order in the deed records of the county in which the property is located. If an order to repair, demolish, vacate, reduce in occupancy load, or secure a structure, or to relocate the occupants of a structure, is timely effected, the Director or designee shall, upon request and payment of the cost by the owner, file a notice of compliance in the deed records of the county in which the property is located. Every notice given under this subsection must include an identification, which is not required to be a legal description, of the structure and property on which it is located, and a description of the violation of minimum standards that is present at the property.

- (1) When an order issued under Subsection G has been filed in the deed records of the county in which the property is located, execution of the order is not affected by a sale or other transfer

of the premises. A person acquiring interest in property after an order has been so filed is subject to the requirements of the order. The provisions of this subsection must be included as a part of each order.

- (1) In addition to the notice requirements of this section, within 10 days after mailing, a copy of an order issued under Subsection (G), the Director or designee shall:

- (a) File a copy of the order in the office of the city clerk; and
- (b) Publish one time in a newspaper of general circulation in the city an abbreviated copy of the order containing the street address or legal description of the property, the date of the hearing, a brief statement indicating the results of the order, and instructions stating where a complete copy of the order may be obtained.

**K.** Demolition, vacation, and securing of a structure, and the relocation of the occupants of a structure, may be accomplished by an owner, lienholder, or mortgagee as compliance with this section, or by the city if not timely accomplished by the owner, lienholder, or mortgagee. Repair of a structure may be accomplished by an owner, lienholder, or mortgagee as compliance with this section, or by the city if not timely accomplished by the owner, lienholder, or mortgagee, but only to the extent necessary to bring the structure into compliance with minimum standards and only if the structure is a residential structure with not more than 10 dwelling units. Performance of work by the city under this subsection does not limit the ability of the city to collect on a bond or other financial guaranty that may be required from the property owner, lienholder, or mortgagee under Subsection H(4) of this section.

**L.** If the Director or designee determines that the owner, lienholder, or mortgagee has not timely complied with an order issued under Subsection G (3)(a), (c), or (e), Subsection G (4), Subsection G(5)(a), of this section, and the Commission order included a provision authorizing the city to perform work or to assess a civil penalty upon failure of the owner, lienholder, or mortgagee to comply with the order, the Director or designee shall promptly give notice to each owner, lienholder, and mortgagee of the demolition, repair, vacation, or securing of the structure by the city, or the relocation of the occupants of the structure by the city, or the assessment of a civil penalty, whichever is applicable. The notice must include:

- (1) An identification, which is not required to be a legal description, of the structure and the property on which it is located;
- (2) An identification of the Commission order affecting the property;
- (3) A description of each violation of minimum standards found by the Commission to be present on the property;
- (4) A description of any work ordered by the Commission to correct each violation on the property;
- (5) The amount of any civil penalty ordered by the Commission if each violation is not corrected in compliance with the Commission order;
- (6) A statement that the owner, lienholder, or mortgagee has not timely complied with the Commission order; and
- (7) The date and time the city will begin performance of the work or assessment of the civil penalty in accordance with the Commission order.

**M.** On or before the 20th day before the city begins performance of work or the assessment of a civil penalty on property subject to a Commission order, the notice required under Subsection (K) must be:

- (1) Personally delivered or mailed, by certified mail, return receipt requested, to each owner, lienholder, and mortgagee of the structure;
- (2) Posted, to all unknown owners, on the front door of each improvement situated on the affected property or as close to the front door as practicable; and
- (3) Published on one occasion in a newspaper of general circulation in the city.

## **2.38.100 REHEARING OF CERTAIN COMMISSION ORDERS.**

**A.** A hearing panel may grant one rehearing if a person affected by a Commission order issued by the other hearing panel and resulting in notice of the repair, demolition, vacation, or securing of a structure by the



city, the relocation of occupants of a structure by the city, or the assessment of a civil penalty requests the rehearing within 20 days after the notice is provided in compliance with Section 2.38.090 of this Chapter. The rehearing may not be given prior to issuance of a notice.

- B. The Director or designee may at any time request a rehearing on any case as he determines is appropriate. The hearing panel may grant or deny the request.
- C. When a rehearing is granted, the Director or designee shall stay all administrative proceedings by the city against the affected property until conclusion of the rehearing.
- D. A rehearing fee of FIVE HUNDRED AND FORTY DOLLARS AND NO/100 (\$540.00) must accompany a request for a rehearing, unless the Director or designee requests said rehearing. A person may make written affirmation of an inability to pay the fee, and the hearing panel shall waive the fee if it finds that payment will cause a financial hardship to the person requesting the rehearing.
- E. The Director designee shall provide notice of a rehearing in compliance with the notice requirements set forth in Section 2.38.090 of this Chapter for other hearings before a hearing panel of the Commission.
- F. A decision of the hearing panel on the rehearing is final as to administrative remedies and may be appealed only to state district court in accordance with 2.38.040(E).

#### **2.38.110 Violations and Penalties.**

Any person, firm, corporation or agent who shall violate a provision of this Chapter, or fail to comply therewith or with any of the requirements thereof, or who shall erect, construct, alter, demolish or move any structure, or has erected, constructed, altered, repaired, moved or demolished a building or structure in violation of this Code shall be cited with a Class C misdemeanor punishable by a fine not exceeding Two Thousand Dollars (\$2,000), and if the violation be continuing, each day's violation shall constitute a separate offense.

- 2. Except as amended herein, Title 2 (ADMINISTRATION AND PERSONNEL) of the El Paso Municipal Code shall remain in full force and effect.
- 3. The Commission shall begin hearing cases pursuant to this ordinance effective November 30, 2004. This ordinance is effective on the date passed and approved by Council.
- 4. Until November 29, 2004 City Council shall continue to hear unsafe structures cases and take action as set forth in the municipal code as it existed prior to the adoption of the amendments herein.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

CITY OF EL PASO

\_\_\_\_\_  
Joe Wardy  
Mayor


ATTEST:

\_\_\_\_\_  
Richarda D. Momsen  
City Clerk

APPROVED AS TO FORM:

  
Marvin Foust  
Assistant City Attorney

APPROVED AS TO CONTENT:

  
R. Alan Shubert  
Director for Building Permits and  
Inspections Department